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26 ATTORNEYS FOR PLAINTIFF
27 BRANDYWINE COMMUNICATIONS
28 TECHNOLOGIES, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

BRANDYWINE COMMUNICATIONS
TECHNOLOGIES, LLC,

Plaintiff,

v.

AT&T CORP. AND SBC INTERNET
SERVICES, INC.,

Defendants.

Case No. 4:12-cv-02494-CW

**DECLARATION OF LEI SUN IN SUPPORT
OF BRANDYWINE'S ADMINISTRATIVE
MOTION TO SEAL**

JURY TRIAL DEMANDED

Judge: Hon. Claudia Wilken

1 I, Lei Sun, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California with
3 Farney Daniels PC, counsel of record for Plaintiff Brandywine Communications Technologies,
4 LLC (“Brandywine”) in the case *Brandywine Communications Technologies, LLC v. AT&T Corp.*
5 *at al.*, Case No. C 12-02494-CW.

6 2. Unless otherwise stated, I have personal knowledge of the statements herein, and if
7 called to testify, I could and would testify competently to the truth of the statements herein.

8 3. Brandywine’s Motions to Strike the Expert Reports of Anthony Acampora,
9 Richard Gitlin, and Paul Meyer and to Preclude Their Testimonies, and to Preclude Defendants
10 from Reliance on Certain Non-Infringement Theories (“Motions”) includes a Declaration by Tim
11 Devlin in Support of those Motions, which attaches Exhibits B, C, E, G1-G3, H, J and K.

12 4. Exhibit B is a copy of Dr. Richard Gitlin’s Expert Report concerning non-
13 infringement. Exhibit C is a copy of Mr. Paul Meyer’s Expert Report concerning damages. Both
14 contain confidential information produced by Defendants and have been designated HIGHLY
15 CONFIDENTIAL pursuant to the Protective Order in this case.

16 5. Exhibit E is the deposition transcript of Dr. Gitlin in this case. It contains
17 confidential information of Defendants and has been designated as HIGHLY CONFIDENTIAL
18 pursuant to the Protective Order in this case.

19 6. Exhibits G1 to G3 collectively comprise a copy of the Expert Report of Dr.
20 Nicholas Burd concerning infringement. They contain confidential information of Defendants
21 and has been designated as HIGHLY CONFIDENTIAL pursuant to the Protective Order in this
22 case.

23 7. Exhibits H and J are Defendants’ Responses to a number of Brandywine’s
24 Interrogatories. They both contain confidential information produced by Defendants and have
25 been designated HIGHLY CONFIDENTIAL pursuant to the Protective Order in this case.
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27
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1 8. Exhibit K is the deposition transcript of AT&T employee Mr. Ron Brost in this
2 case. It contains confidential information of Defendants and has been designated as HIGHLY
3 CONFIDENTIAL pursuant to the Protective Order in this case.

4 9. These Exhibits contain sensitive and proprietary business and technical
5 information belonging to Defendants. As such, they are entitled to be filed under seal.

6 10. In addition, Brandywine's Motions papers cites to these Exhibits and contains
7 other discussions of highly confidential information of Defendants, and are thus also entitled to be
8 filed under seal.

9 I declare under penalty of perjury that the foregoing is true and correct and that this
10 declaration was executed on April 23, 2014, in Georgetown, Texas.

11
12 /s/ Lei Sun
13 Lei Sun